

1 MOLLY M. WHITE, Cal. Bar No. 171448

E-mail: whitem@sec.gov

2 JUNLING MA, Cal. Bar No. 213241

E-mail: maj@sec.gov

3 Attorneys for Plaintiff

4 Securities and Exchange Commission

Rosalind Tyson, Regional Director

5 Michele Wein Layne, Associate Regional Director

6 5670 Wilshire Boulevard, 11th Floor

Los Angeles, California 90036-3648

7 Telephone: (323) 965-3998

Facsimile: (323) 965-3908

8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **SOUTHERN DIVISION**

12 SECURITIES AND EXCHANGE
13 COMMISSION,

14 Plaintiff,

15 vs.

16 HENRY T. NICHOLAS III, HENRY
17 SAMUELI, WILLIAM J. RUEHLE,
and DAVID DULL,

18 Defendants.

Case No. SACV 08-0539 CJC (RNBx)

**NOTICE OF INTENT NOT TO
PROCEED FURTHER IN THIS
ACTION**

1 Plaintiff Securities and Exchange Commission ("Commission") files this
2 Notice of Intent Not to Proceed Further in this Action. After careful consideration
3 of the Court's sua sponte dismissal of the Commission's Complaint on December
4 15, 2009, and the Court's comments during the January 28, 2010 hearing, the
5 Commission does not intend to proceed further in this action.

6
7 DATED: February 4, 2010

/s/ Molly M. White
MOLLY M. WHITE
JUNLING MA
Attorneys for Plaintiff
Securities and Exchange Commission

PROOF OF SERVICE

I am over the age of 18 years and not a party to this action. My business address is:

☒ U.S. SECURITIES AND EXCHANGE COMMISSION, 5670 Wilshire Boulevard, 11th Floor, Los Angeles, California 90036-3648

Telephone No. (323) 965-3998; Facsimile No. (323) 965-3908.

On February 4, 2010, I served the following document entitled **NOTICE OF INTENT NOT TO PROCEED FURTHER IN THIS ACTION** on all the parties to this action addressed as stated on the attached service list:

☒ **OFFICE MAIL:** By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this agency's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.

☐ **PERSONAL DEPOSIT IN MAIL:** By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.

☐ **EXPRESS U.S. MAIL:** Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.

☐ **HAND DELIVERY:** I caused to be hand delivered each such envelope to the office of the addressee as stated on the attached service list.

☐ **FEDERAL EXPRESS:** By placing in sealed envelope(s) designated by Federal Express with delivery fees paid or provided for, which I deposited in a facility regularly maintained by Federal Express or delivered to a Federal Express courier, at Los Angeles, California.

☐ **ELECTRONIC MAIL:** By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list.

☐ **FAX:** By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

☒ **(Federal)** I declare that I am employed in the office of a member of the bar of this Court, at whose direction the service was made. I declare under penalty of perjury that the foregoing is true and correct.

Date: February 4, 2010


MAGNOLIA M. MARCELO

SEC v. HENRY T. NICHOLAS III, et al.
United States District Court – Central District of California
Case No. SACV08-539 CJC (RNBx)
(LA-3232)

SERVICE LIST

John W. Spiegel, Esq.
Gregory J. Weingart, Esq.
Munger, Tolles & Olson LLP
355 South Grand Avenue, 35th Floor
Los Angeles, CA 90071-1560
Email: john.spiegel@mto.com
Email: gregory.weingart@mto.com
Attorneys for Defendant Henry T. Nicholas III

Brendan V. Sullivan, Jr., Esq.
Barry Simon, Esq.
Lance A. Wade, Esq.
Kevin M. Downey, Esq.
Williams & Connolly LLP
725 Twelfth Street, N.W.
Washington, DC 20005
Email: bsullivan@wc.com
Email: bsimon@wc.com
Email: gborden@wc.com
Email: kdowney@wc.com
Attorneys for Defendant Henry T. Nicholas III

Gordon A. Greenberg, Esq.
Jon Dean, Esq.
McDermott, Will & Emory
2049 Century Park East, 34th Floor
Los Angeles, CA 90067
Email: ggreenberg@mwe.com
Email: jdean@mwe.com
Attorneys for Defendant Henry Samueli

Richard Marmaro, Esq.
Jack P. DiCanio, Esq.
Skadden, Arps, Slate, Meagher & Flom LLP
300 S. Grand Avenue, Suite 3400
Los Angeles, California 90071
Email: richard.marmaro@skadden.com
Email: jack.dicanio@skadden.com
Attorneys for Defendant William J. Ruehle

1 Seth Aronson, Esq.
2 J. Jorge DeNeve, Esq.
3 O'Melveny & Myers
4 400 S. Hope Street
5 Los Angeles, CA 90071
6 Email: saronson@omm.com
7 Email: jdeneve@omm.com
8 ***Attorneys for Defendant David Dull***

9 James R. Asperger, Esq.
10 Quinn Emanuel Urquhart Oliver & Hedges, LLP
11 865 S. Figueroa Street, 10th Floor
12 Los Angeles, CA 90017
13 Email: jimasperger@quinnemanuel.com
14 ***Attorney for Defendant David Dull***